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Attorneys for Defendant  
SIX CONTINENTS HOTELS, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

LAURA MCCABE and LATROYA  
SIMPSON, individually and on behalf  
of similarly situated individuals,

Plaintiffs,

v.

SIX CONTINENTS HOTELS, INC.;  
and DOES 2 through 10, inclusive,

Defendants.

CASE NO. C12-4818-NC

**DEFENDANT SIX CONTINENTS  
HOTELS, INC.'S OPPOSITION TO  
PLAINTIFFS' MOTION FOR  
ATTORNEYS' FEES, COSTS AND  
LITIGATION EXPENSES,  
CLAIMS ADMINISTRATION  
FEES AND ENHANCEMENT  
PAYMENTS**

Date: February 3, 2016  
Time: 1:00 p.m.  
Place: Courtroom D – 15<sup>th</sup> Floor

Complaint Filed: July 3, 2012  
FAC Filed: July 19, 2012  
SAC Filed: Oct. 11, 2013  
TAC Filed: July 6, 2015  
Trial Date: None

EASTV118599501.1

1 Defendant SIX CONTINENTS HOTELS, INC. (“Defendant”) hereby  
 2 submits the following opposition to Plaintiffs LAURA MCCABE and LATROYA  
 3 SIMPSON’s (“Plaintiffs”) Motion for Attorneys’ Fees, Costs and Litigation  
 4 Expenses, Claims Administration Fees and Enhancement Payments (“Motion”), as  
 5 follows:

6 Defendant opposes Plaintiffs’ request for attorneys’ fees of over 25% of the  
 7 common fund. Under both California state law and federal law, the standard fee  
 8 award in common fund cases is 25%. *See, e.g., In re Consumer Privacy Cases*, 175  
 9 Cal. App. 4th 545, 558, n. 13 (“A fee award of 25 percent ‘is the ‘benchmark’  
 10 award that should be given in common fund cases’”) (citations omitted); *Couser v.*  
 11 *Comenity Bank*, ---F. Supp. 3d---, 2015 WL 5117082, at \*9 (S.D. Cal. May 27,  
 12 2015) (“[i]t is well established that 25% of the gross settlement amount is the  
 13 benchmark in the Ninth Circuit for attorneys’ fees award under the percentage  
 14 method”). There is no reason to deviate from this established standard here.

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 16 Dated: December 7, 2015

**DLA PIPER LLP (US)**

17  
 18 By /s/ Monica D. Scott

19 PERRIE M. WEINER  
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 21 MONICA D. SCOTT  
 22 Attorneys for Defendant  
 23 SIX CONTINENTS HOTELS, INC.  
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